

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DANIEL SCHRAMM,

Plaintiff,

-against-

STIPULATION AND ORDER
OF SETTLEMENT AND
DISCONTINUANCE

07 CV 7494 (RJS) (JCF)

CITY OF NEW YORK, MICHAEL BLOOMBERG,
RAY KELLY, STEPHEN HAMMERMAN, THOMAS
DOEPFNER, RUBY MARIN-JORDAN, JOSEPH
ESPOSITO, THOMAS GRAHAM, THOMAS
DIRUSSO, KEVIN WARD, GLENN CASEY, and
JOHN DOES 1-10 and RICHARD ROES 1-10,

Defendants.
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WHEREAS, plaintiff DANIEL SCHRAMM ("Plaintiff") commenced this action in the Southern District of New York by filing a complaint on or about August 24, 2007, alleging that defendants violated Plaintiff's civil and common law rights (the "Complaint"); and

WHEREAS, this action is one of many related actions stemming from activities during the 2004 Republican National Convention in New York City and consolidated in the for discovery before Magistrate Judge James C. Francis IV and pending before District Judge Robert J. Sullivan (the "RNC Cases"); and

WHEREAS, defendants The City of New York, Michael Bloomberg, Ray Kelly, Stephen Hammerman, Thomas Doepfner, Ruby Marin-Jordan, Joseph Esposito, Thomas Graham, John Colgan, Thomas DiRusso, Kevin Ward, and Glenn Casey have denied any and all liability arising out of Plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, including the issue of attorney's fees, without further proceedings and without admitting any fault or liability; and

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This action is dismissed with prejudice and without costs, expenses or fees except as provided in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff DANIEL SCHRAMM the sum of TWELVE THOUSAND FIVE HUNDRED DOLLARS (\$12,500.00), in full satisfaction of his claims, including all claims for costs, expenses, attorney's fees and interest.

3. In consideration for the payment of the sum listed in paragraph "2", above, Plaintiff agrees to the dismissal, with prejudice, of all claims against all named defendants, including The City of New York, Michael Bloomberg, Ray Kelly, Stephen Hammerman, Thomas Doepfner, Ruby Marin-Jordan, Joseph Esposito, Thomas Graham, John Colgan, Thomas DiRusso, Kevin Ward, Glenn Casey and the defendants named in the caption as "John Doe and Richard Roe," and to release all defendants, their successors or assigns; all past and present officials, employees, representatives and agents of the City of New York, or any agency thereof, including but not limited to, the New York City Police Department; The Hudson River Park Trust; and the New York City Health and Hospitals Corporation; from any and all liability, claims or rights of action arising from, contained in, or related to the Complaint in this action, which were or could have been alleged by Plaintiff, including all claims for attorney's fees, expenses, costs and interest

4. Plaintiff shall execute and deliver to defendants' attorneys all documents necessary to effect this settlement, including, without limitation, General Releases based on the terms of paragraphs "2-3" above and an Affidavit of No Liens.

5. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way performed the acts or omissions alleged in the Complaint herein or that defendants violated Plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or the New York City Police Department.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
April 2, 2008

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By: 


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By: 

Curt P. Beck
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SO ORDERED:


HON. ROBERT J. SULLIVAN,
U.S.D.J.